

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA :
v. : Case No. 1:10CR313-01
JOSHUA BEHROUZ NABATKHORIAN, :
Defendant :
:

MOTION TO AMEND CONDITIONS OF RELEASE

COMES NOW, the Defendant Joshua Behrouz Nabatkhorian, by counsel, who moves the Court to allow an amendment to the previously imposed conditions of release to grant permission for Mr. Nabatkhorian to move back to his family residence pending the service of his sentence beginning on May 18, 2011, and in support thereof states as follows:

1. On February 25, 2011, the Defendant, Joshua Behrouz Nabatkhorian, was sentenced by this Court to a period in custody of the Bureau of Prisons of five (5) years. However, surrender was delayed until May 18, 2011.

2. Prior to trial and sentencing in this matter, Mr. Nabatkhorian has been on pretrial supervision from the time of his arrest on state charges on November 17, 2009 without any problem and while living with his family until those charges were dismissed on June 3, 2010. Since June 10, 2010, Mr. Nabatkhorian has been on Pre-trial Supervision through the orders of this Court being monitored by Probation Officer, Paul Arnett. Mr. Nabatkhorian and Mr. Arnett have had many contacts in accordance with the supervision requirements to this time.

3. As a condition of supervised release, Mr. Nabatkhorian was not allowed to live at home pending trial and sentencing, although he was allowed to have ongoing contact with his children. Now, as part of post sentence supervised release requirements Mr. Nabatkhorian will not be able to have unsupervised contact with minors. However, the Court did not impose a similar condition regarding his own minor children.

4. Given the status of the case, the certainty of the sentence to be imposed, and the full knowledge of his wife, family and personal community of his circumstances, it is requested that Mr. Nabatkhorian be allowed to return to the family residence until the date he reports for the service of his sentence, May 18, 2011. Mrs. Nabatkhorian has been and remains fully supportive of this request, and is aware of all of the circumstances of the case and the supervision and electronic monitoring requirements.

5. Given the treatment Mr. Nabatkhorian has been in for an extended period of time, and his full cooperation with Mr. Arnett in Pretrial Services, it is respectfully suggested that Mr. Nabatkhorian is not a risk to his own children. Additionally, Mrs. Nabatkhorian is present in the family home and would essentially act as an ongoing supervisor regarding the minor children at the family residence.

6. Further, Mr. Nabatkhorian has been residing, as a condition of his release terms, with an adult for the pendency of this case. That supervising adult must now make arrangements for his ongoing residence given the imposition of sentence. Therefore, while if necessary Mr. Nabatkhorian's adult roommate will continue to live with Mr. Nabatkhorian at his current address, his preference is to be able to move out to his own home as soon as possible.

8. Counsel has communicated this request to Pretrial Services Probation Officer, Paul Arnett, who indicates that as long as Mrs. Nabatkhorian continues to support the return to the residence by her husband, he does not have a problem with or objection to this amendment. AUSA John Eisinger authorizes the undersigned to indicate that the government's position is, "In light of the Court lifting the restriction on unsupervised contact between the defendant and his children, the Government does not oppose the requested amendment to the condition of release."

WHEREFORE, the Defendant, Joshua Nabatkhorian, by counsel, moves this Court to allow an amendment to the previously imposed conditions of release granting permission for him to move back to his family residence until the beginning of the service of his sentence on May 18, 2011.

JOSHUA BEHROUZ NABATKHORIAN
By Counsel

GREENSPUN, SHAPIRO, DAVIS & LEARY, P.C.

BY: _____ /s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of March, 2011, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will then send a notification of such filing (NEF) to the following:

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